



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,082	12/28/2006	John Wadding	P03242	6430
23702	7590	07/24/2007		
Bausch & Lomb Incorporated One Bausch & Lomb Place Rochester, NY 14604-2701			EXAMINER RAPP, CHAD	
			ART UNIT	PAPER NUMBER
			2125	
			MAIL DATE	DELIVERY MODE
			07/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/540,082	Applicant(s) WADDING ET AL.	
	Examiner Chad Rapp	Art Unit 2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2125

1. Claims 1-16 are presented for examination.

Specification

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

3. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

4. The disclosure is objected to because of the following informalities: The examiner would ask the applicant to change all instances of the mould, and moulded(British form) into mold and molded(English form) in the specification and claims.

Appropriate correction is required.

Claim Objections

5. Claims 4-16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 3 and the multiple dependent claims 4-16 are linked with this claim directly or indirectly. See MPEP § 608.01(n). Accordingly, the claims 4-16 have not been further treated on the merits.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, “the entire 360 peripheral edge” should be changed to “an entire 360 peripheral edge”. There is insufficient antecedent basis for this limitation in the claim.

Once the above 112 is fixed claim 3 will be objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2125

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanka et al. in view of Tucker.

Sanka et al. teaches the claimed invention (claim 1) substantially as claimed including a method for tracking multiple SKUs of contact lenses in a manufacturing line comprising:

- a. Molding a plurality of contact lenses is taught as forming first molded parts(contact lens) using said first molding devices.(col. 1 lines 62-63 and col. 6 lines 34-63);
- b. Providing a plurality of carriers each having a carrier indicator is taught as providing a plurality of carriers and carriers having carrier indicators(col. 1 lines 64-65);
- c. Transferring each lens to a carrier is taught as transferring molded parts(contact lens) to the plurality of carriers(col. 1 lines 66-67);
- d. Reading the carrier indicator of the carder of step d is taught as reading carrier indicator(col. 2 lines 1-2).
- e. Storing in machine-accessible memory the information associated with the carder indicator of the carder of step e and the information relating to the lens for step c is taught as storing in machine-accessible memory the information associated with the carder indicator which includes SKU(col.2 lines 3-7, col. 8 lines 1-13 and col. 8 lines 42-46).

Sanka et al. teaches the above listed details of the independent claim 1, however, Sanka et al. does not teach: storing in machine-accessible memory the information associated with the information relating to the lens for step c and inspecting each contact lens to determine information relating to its prescription.

Tucker teaches:

Art Unit: 2125

a. Storing in machine-accessible memory the information associated with the information relating to the lens for step c is taught as printing on contact lens the SKU and using this for monitoring to control and verify which means the information is stored in a computer sense it needs to be held to be used for verification(col. 8 lines 38-40).

b. Inspecting each contact lens to determine information relating to its prescription is taught as printing on contact lens the SKU(col. 8 lines 38-40).

This would have been obvious to one of ordinary skill in the art the time the invention was made or used to modify the teachings of Sanka et al. with the teachings or Tucker because Tucker also disclose the concern of material handling and packaging which is always an issue with a larger number of SKU's. By using digital lens the digital printing systems of the invention can aid in monitoring product flow and in verifying product identity in the manufacturing contact lens. There would be fewer labeling mistakes since even lens could be identified quickly.

As to claim 2, Tucker teaches, in which identifiable marks indicative of the prescription of the lens are molded into the contact lenses and said identifiable marks are read during the inspection to determine information relating to the prescription of the lens is taught as two thick striations and thick striations presenting a prescription -3.00 D(col. 8 lines 49-52.)

This would have been obvious to one of ordinary skill in the art the time the invention was made or used to modify the teachings of Sanka et al. with the teachings or Tucker because Tucker also disclose the concern of material handling and packaging which is always an issue with a larger number of SKU's. By using digital lens the digital printing systems of the invention can aid in monitoring product flow and in verifying product identity in the

Art Unit: 2125

manufacturing contact lens. There would be fewer labeling mistakes since even lens could be identified quickly.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Rapp whose telephone number is (571)272-3752. The examiner can normally be reached on Mon-Fri 11:00-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (571)272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Chad Rapp
Examiner
Art Unit 2125

cjr

**LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**